

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MARTIN AKEEM DANIEL,

Plaintiff,

v.

BRUCE FARMER, et al.,

Defendants.

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No. 1:07-CV-1 CAS

MEMORANDUM AND ORDER

This matter is before the Court on the motion of plaintiff's former appointed counsel Mr. James F. Waltz for compensation of services and reimbursement of expenses incurred in representing plaintiff. Counsel seeks reimbursement from the Attorney Admission Fee Non-Appropriated Fund for attorney's fees in the amount of \$2,115.00 and out-of-pocket expenses in the total amount of \$198.44. Counsel's request is accompanied by an Out of Court Hourly Worksheet showing services rendered, as well as receipts and invoices.

All applications for disbursement of funds from the Attorney Admission Fee Non-Appropriated Fund are governed by Local Rules 12.03 and 12.06, the Administrative Order of January 15, 2008 concerning the Attorney Admission Fee Non-Appropriated Fund, and the Regulations Governing the Disbursement of Funds from the Non-Appropriated Fund for Attorney's Fees and Out-of-Pocket Expenses Incurred by Attorneys Appointed to Represent Indigent Parties in Civil Proceedings Pursuant to 28 U.S.C. § 1915(e), dated January 15, 2008 (the "Regulations"), available at <http://www.moed.uscourts.gov/attorney/appcnslfeeexp.html>.

With the standards of the Regulations in mind, the Court turns to the request for compensation of fees and reimbursement for specific items of out-of-pocket expense.

Attorney's Fees.

The Regulations provide that the maximum reimbursement for attorney's fees in any one case is five thousand dollars. See Regulations, §§ B.2, D. The Court has reviewed the Out of Court Hourly Worksheet and determines that the time claimed for attorney's fees was expended and was appropriate and reasonable. The Court will order compensation for attorney's fees in the amount of \$2,115.00.

Expenses

Photocopy Charges.

Counsel seeks reimbursement of photocopy charges in the amount of \$117.90. This request is supported by the certification of counsel that copies were made in-house at the cost of ten cents (10¢) per page, including medical records and copies of pleadings filed on plaintiff's behalf that were forwarded to him for informational purposes. This expense will be allowed. See Regulations, § E.5.

Telephone Toll Charges, Shipping Expenses.

Counsel seeks reimbursement for telephone toll charges in the amount of \$57.59 and shipping expenses in the amount of \$22.95. These are allowable expenses supported by adequate documentation and will be reimbursed. See Regulations, § E.5.

Accordingly,

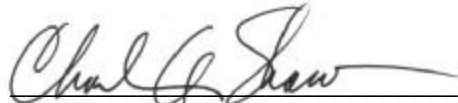
IT IS HEREBY ORDERED that counsel's motion for compensation of services and reimbursement of out-of-pocket expenses is **GRANTED** in the amount of Two Thousand One Hundred Fifteen Dollars (\$2,115.00) for attorney's fees and One Hundred Ninety-Eight Dollars and

Forty-Four Cents (\$198.44) for out-of-pocket expenses, for a total of Two Thousand Three Hundred Thirteen Dollars and Forty-Four Cents (\$2,313.44). [Doc. 72]

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly disburse the sum of Two Thousand Three Hundred Thirteen Dollars and Forty-Four Cents (\$2,313.44) from the Attorney Admission Fee Non-Appropriated Fund, payable to:

Mr. James F. Waltz
Oliver, Oliver & Waltz, P.C.
1838 Broadway
P. O. Box 559
Cape Girardeau, Missouri 63702-0559

The Court wishes to express its appreciation to Mr. Waltz for his efforts on behalf of the plaintiff.


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 30th day of June, 2008.